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REMARKS

Claims 1 - 35 are pending in the application. By this amendment, claims 7 - 9, 11, 12, 19, 23, 24, 27 - 30, and 32 - 35 are cancelled. Independent claim 1 has been amended to distinguish the claimed invention over the cited prior art. Additionally, claims 1 - 6, 10, 13 -18, 20 - 22, 25, and 31 have been amended to remove the reference numbers therein. Thus, claims 1 - 6, 10, 13 -18, 20 - 22, 25, 26 and 31 are pending in the application. The abstract has been amended to better describe the claimed invention per the amendments herein. The specification has been amended to include the subject matter of claim 31. No new matter has been added.

Claim 31 is objected to based on non-disclosure of the claimed subject matter. Applicants have amended the specification to include a disclosure of the subject matter of claim 31, thus the objection to claim 31 should be withdrawn.

Claims 1 -35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Karr et al. (U.S. Pat. No. 4,371,945) in view of Helm et al. (U.S. Pat. No. 5,777,950), further in view of Allgaier et al. (U.S. Pat. No. 5,231,612), further in view of Castellano et al. (U.S. Pat. No. 5,536,249), further in view of Hutchings et al. (U.S. Pat. No. 6,122,960) and further in view of Smith et al. (U.S. Pat. No. 5,485,402).

The rejections of claims 1 - 6, 13 -18, 20 - 22, 25, 26 and 31 under 35 U.S.C. § 103 are traversed as follows. Independent claim 1 stands rejected under 35 U.S.C. § 103 based on the combination of the Karr and Helm references.

The Karr reference teaches an electronic pedometer having a signal generator 12 to be mounted to one leg of the user, a signal detector to be mounted

to the other leg of the user and a processor and display module 16 to be fastened to an adjustable wrist strap. The generator 12 contains a first timer so that the generator emits ultrasonic signals at regular time intervals T_1 . The detector receives these ultrasonic signals at times T_1 depending on the distance between the generator and the detector. Each time the detector receives an ultrasonic signal from the generator it produces a further signal which is transmitted to the processor and display module. The processor and display module may be used like a stand-alone clock (see column 5, lines 27 to 48). The timer 58 of the generator module is not a stand-alone clock and it is not usable to control the clock of the processor and display module.

Helm et al. teaches a method and apparatus for transferring time information to a watch wherein a wristwatch is set by optically transmitting time of day information from a wall or table clock to an optical sensor in a wristwatch.

Applicants have amended independent claim 1 to patently distinguish the claimed invention over the cited prior art. Amended claim 1 provides a measuring device comprising a measuring module for analysis of body functions and a clock for indicating time data, wherein the clock and the measuring module are supported in a common housing. The measuring device includes means for non-touchingly and non-galvanically obtaining time data from the clock and for transmitting the time data to the measuring module, wherein the measuring module and the clock are galvanically separate. The clock is not only useable as a time indicating device for the measuring module but it is a complete stand-alone clock which, with or without its being used by the measuring module, can be used as an ordinary clock or wristwatch to supply time indications to a user. (See page 2, paragraph 2 of the specification). Additionally, the measuring module for

analysis of body fluids is useable independent of the clock. (See page 2, paragraph 7 of the specification).

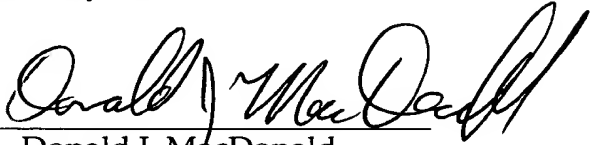
In contrast, the combination of Karr and Helm does not teach, suggest or provide any motivation to provide a measuring module for analysis of body fluids and a clock supported in a common housing wherein the measuring module receives time data from the clock and wherein the clock and the measuring module are galvanically separate. The detector device in Karr which transmits a signal to the processor and display module is not a clock and does not transmit time data, nor does the combination of Karr and Helm teach or suggest a measuring module for analysis of body fluids. Thus, even if combined, the combination of Karr and Helm does not teach or suggest the invention recited in amended claim 1.

To support an obvious rejection, "the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure. In re Vaeck, 947 F.2d. 488, 20 USPQ2d 14386 (Fed. Cir. 1991). In this case, as discussed above, the combination of the Karr and Helm references does not teach or suggest the invention as recited in amended claim 1. Furthermore, the Examiner has not provided any suggestion or motivation to combine the Karr and Helm references. Thus, for at least the above-identified reasons, the Examiner's rejection of claim 1 under 35 U.S.C. § 103(a) should be withdrawn and amended claim 1 allowed.

Claims 2 - 6, 13 -18, 20 - 22, 25, 26 and 31 depend from amended claim 1 and incorporate all of the limitations of claims 1, and also include additional limitations. As claim 1 should be allowable as amended, dependent claims 2 - 6, 13 -18, 20 - 22, 25, 26 and 31 should also be allowable and this action is requested.

Applicants believe that no fee is due in connection with filing this Response to Office Action. Please charge any deficiency in fee due or any other fee required for this application to Deposit Account No. 13-0235.

Respectfully submitted,

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In the Specification

Please replace the paragraph beginning on page 6, line 8 with the following paragraph:

In the embodiment illustrated in Fig. 3 the clock 12 and the measuring module are arranged in a common housing 42. The clock 12 is a clock with an analog indicator, that is a numeral dial 43 and hands 44,46 and can be operated by a crown 48 extending out of the housing 42. In the housing 42 is a window 49 through which the dial and the hands 44,46 of the clock 12 can be observed. In another embodiment of the invention, the clock 12 has a dial having a holographic pattern printed on at least a part of the dial.

In the Claims

1. (Amended) A measuring device comprising a housing, a measuring module for analysis of body fluids and a clock [12] for indicating time data, the measuring module and the clock supported in the housing, the measuring module including a data processing unit [14], a data input unit [18], and an indicator unit [20], characterized in that the clock [12] is a unit galvanically separate from the measuring module [10] and in that the measuring device has means for non-touchingly and non-galvanically obtaining the indicated time data from the clock [12] and for transmitting the so obtained indicated time data to the measuring module[10].

2. (Amended) A measuring device according to Claim 1, further characterized in that the clock has a time indicator which is selectably settable to a pre-given null point and which, after the ending of a measurement, is resettable to the actual time.

3. (Amended) A measuring device according to Claim 1, further characterized in that the clock has an analog time indicator with hands and that the time obtaining means obtains the hand positions.

4. (Amended) A measuring device according to Claim 3, further characterized in that the time obtaining means is formed to optically obtain the hand positions.

5. (Amended) A measuring device according to Claim 1, further characterized in that the clock has a digital indicator with an LCD screen, that the LCD screen is selectively switchable to dark, and that the measuring module has a counter which is triggerable by a sensor sensing the LCD screen.

6. (Amended) A measuring device according to Claim 5, further characterized in that the means for obtaining and for transmitting the time data includes a device for wirelessly transmitting by way of at least one transmitter in the clock and/or at least one receiver in the measuring module.

7. Please cancel Claim 7.

8. Please cancel Claim 8.

9. Please cancel Claim 9.

10. (Amended) A measuring device according to Claim 1, further comprising an arm band to allow the device to be carried on a wrist.

11. Please cancel Claim 11.

12. Please cancel Claim 12.

13. (Amended) A measuring device according to Claim 1, further characterized in that the data processing unit has a memory accessible through the data input unit.

14. (Amended) A measuring device according to Claim 1, further comprising an alarm device coupled to the measuring module.

15. (Amended) A measuring device according to Claim 1, further characterized in that the measuring module is formed for the carrying out of calculation functions.

16. (Amended) A measuring device according to Claim 1, further characterized in that the measuring module is formed for the carrying out of supervisory functions.

17. (Amended) A measuring device according to Claim 1, further characterized in that the measuring module is formed to indicate the amount and the application time point of a medicine.

18. (Amended) A measuring device according to Claim 1, further characterized in that the measuring module has a radio receiver.

19. Please cancel Claim 19.

20. (Amended) A measuring device according to Claim 1, further characterized in that the data processing unit is connected with a speech module.

21. (Amended) A measuring device according to Claim 1, further comprising at least one contact surface for data exchange with an external device.

22. (Amended) A measuring device according to Claim 21, further characterized in that the contact surface is covered.

23. Please cancel Claim 23.

24. Please cancel Claim 24.

25. (Amended) A measuring device according to Claim 14, further characterized in that the device has at least one contact surface for data exchange with an external device, and in that the data processing unit is so coupled with the alarm device that the alarm device is actuated when a data exchange is ended.

27. Please cancel Claim 27.

28. Please cancel Claim 28.

29. Please cancel Claim 29.

30. Please cancel Claim 30.

31. (Amended) A measuring device according to Claim 1, further characterized in that the clock has a dial having a holographic pattern printed on at least a part of the dial.

32. Please cancel Claim 32.

33. Please cancel Claim 33.

34. Please cancel Claim 34.

35. Please cancel Claim 35.



In the Abstract

Please replace the pending abstract with the following:

A device for the measurement [of] and analysis of [human] body fluids [parameters and/or environmental parameters], or for measuring periods of time, includes [is made up of] a clock and a measuring module with the measuring module including a data processing unit, a data input unit, and an indicator unit. [The measuring module can be releasably connectable with the clock to allow the clock to be used either by itself or in combination with the measuring module.] When the measuring module and the clock are used in combination, the time indications provided by the clock are obtainable by the measuring module and can be used for various purposes depending on the functions to be carried out by the measuring module. The measuring module can also have contacts for connection with an external device to allow exchange of data between the measuring module and the external device.

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